

BROOKVILLE CITY COUNCIL
REGULAR MEETING
August 18, 2015

The Regular Meeting of the Brookville City Council was called to order by Mayor Seagraves at 7:30 p.m. on August 18, 2015 in the City Council Chambers. The Pledge of Allegiance was recited. Members Apgar, Duncan, Garber, Kirklin and Letner; Fire Chief Fletcher, Police Chief Jerome, Law Director Stephan and Assistant Manager/Finance Director/Clerk Keaton were present. Manager Burkholder and Member Cantrell were absent.

Motion by Duncan, second by Apgar to accept the Agenda with an addition. All yeas, motion carried.

Mayor Seagraves announced Member Cantrell and Manager Burkholder are absent this evening as they are both out of town.

Motion by Kirklin, second by Apgar to accept the August 4, 2015 Regular Meeting Minutes as presented. All yeas, motion carried.

Member Letner requested an Executive Session on a Personnel Matter.

Motion by Letner, second by Kirklin to go into Executive Session on a Personnel Matter. All yeas, motion carried.

Mayor Seagraves called Council back into Regular Session.

Firefighter Chad Wakefield, representing the Brookville Fire Association, requested permission to station firefighters at the intersection of Triggs Road and Arlington Road and the intersection of Arlington Road and Wolf Creek Street to collect for the annual MDA Fill the Boot Campaign on September 5, 2015 from 9:00 a.m. until 1:00 p.m. Firefighter Wakefield also requested permission to hold the annual Brookville Fire Prevention Parade on October 3, 2015 at 11:00 a.m., with parade line-up at 10:00 a.m.

Motion by Duncan, second by Kirklin to allow the Brookville Fire Association to hold the annual MDA Fill the Boot Campaign on September 5, 2015 from 9:00 a.m. until 1:00 p.m. as requested, and to allow the annual Brookville Fire Prevention Parade on October 3, 2015 at 11:00 a.m. All yeas, motion carried.

Mayor Seagraves commented Council should have a copy of the City Manager's report and advised Manager Burkholder will be in the office tomorrow should Council have any questions or comments for him.

Assistant Manager/Finance Director Keaton requested Council approval to transfer \$75,000 into the Street M&R Fund and \$50,000 into the Capital Improvement Fund. These are partial transfers that were appropriated.

Motion by Apgar, second by Kirklin to authorize the transfer of \$75,000 into the Street M&R Fund and \$50,000 into the Capital Improvement Fund as appropriated. All yeas, motion carried.

Assistant Manager/Finance Director Keaton advised the 29th Annual Miami Valley Planning & Zoning Workshop will be held on Friday, December 4, 2015 at Sinclair Community College and requested Council approval to pay the \$55.00 registration fee for those on Council, Planning Commission, Board of Zoning Appeals and Staff who are interested in attending.

Motion by Garber, second by Letner to authorize Assistant Manager/Finance Director Keaton to pay the \$55.00 registration fee for those on Council, Planning Commission, Board of Zoning Appeals and Staff who are interested in attending the 29th Annual Miami Valley Planning & Zoning Workshop on Friday, December 4 at Sinclair Community College. All yeas, motion carried.

Assistant Manager/Finance Director Keaton presented a request from Carol Latino to hold their annual neighborhood block party on Saturday, September 12, 2015 for the Albert Road/Urban Lane area. The event will be held at the end of the cul-de-sac on Urban Lane from 5:00 - 9:00 p.m.

Motion by Kirklin, second by Garber to allow the residents of Albert Road and Urban Lane to hold a Neighborhood Block Party in the cul-de-sac on Urban Lane from 5:00 - 9:00 p.m. on Saturday, September 12, 2015. All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council adopt proposed Resolution No. 15-08, which allows the City to submit an application to the Ohio Public Works Commission for the waterline replacement on Maple Street from Westbrook Road to East McKinley Street. Assistant Manager/Finance Director Keaton stated our application was submitted on August 11 with a funding request totaling \$259,442 with 25%, or \$64,860 of that amount as a grant and 75%, or \$194,582 as a 20-year, zero percent loan. Assistant Manager/Finance Director Keaton advised Maple Street was chosen because it ranked number one on the 4" water lines in Brookville that need to be replaced.

Motion by Duncan, second by Apgar to read proposed Resolution No. 15-08. All yeas, motion carried.

Motion by Duncan, second by Apgar to accept the first reading, dispense with the second and third reading and adopt Resolution No. 15-08 entitled "A RESOLUTION AUTHORIZING THE CITY OF BROOKVILLE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Assistant Manager/Finance Director Keaton requested Council adopt proposed Ordinance No. 2015-04 that authorizes the establishment of a Land Reutilization Fund to account for all revenues and expenditures associated with our Land Reutilization Program. Assistant Manager/Finance Director Keaton stated the City is acquiring 269 Foothill Drive, and we will be using a \$50,000 zero interest mortgage loan on this property in order to rehab it.

Law Director Stephan stated we also need a motion from Council in order to authorize the City Manager to execute a promissory note for \$50,000, zero percent interest, for a two-year time period. Those funds will be used for the rehab of the property at 269 Foothill Drive. The purpose of this ordinance is that when we have funds going in and out we need to have them in a separate fund for accounting and audit purposes.

Motion by Letner, second by Kirklin to read proposed Ordinance No. 2015-04. All yeas, motion carried.

Motion by Duncan, second by Letner to accept the first reading, dispense with the second and third reading and adopt Ordinance No. 2015-04 entitled "AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A LAND REUTILIZATION FUND, AND DECLARING IT AN EMERGENCY." All yeas, motion carried.

Motion by Kirklin, second by Letner to authorize the City Manager to enter into an Agreement with the Montgomery County Land Reutilization Corporation for a promissory note totaling \$50,000, with zero percent interest, for a two-year time period. All yeas, motion carried.

Assistant Manager/Finance Director Keaton stated it is time to consider our Annual Asphalt Resurfacing and Pavement Removal Program; Wagner Paving, Inc. is interested in extending our 2014 Asphalt Resurfacing and Pavement Removal Contract with them for an additional year. Total material and labor for the asphalt overlay with a trackless tack coat was \$74.00 per ton and pavement removal with the contractor keeping materials was \$1.75 per square yard. Wagner Paving has agreed to extend their costs from 2014 to 2015. Arlington Road, from Westbrook Road to Wolf Creek will receive a 1H mix due to the higher traffic volume on that roadway. The cost of the 1H mix is an additional \$15.00 per ton, or \$89.00 per ton. Assistant Manager/Finance Director Keaton requested that Council extend the contract with

Wagner Paving, Inc. for our 2015 Asphalt Resurfacing and Pavement Removal Program with an engineer's estimate of \$264,761.75. Assistant Manager/Finance Director Keaton advised the City will also be receiving \$93,000 in Permissive Tax for Arlington Road.

Member Duncan inquired whether this will pose a problem because we are not rebidding?

Assistant Manager/Finance Director Keaton replied it has been built into our bid specs for years that we can extend a contract for three additional years if the contractor agrees to keep their contract price.

Member Letner inquired whether the speed bumps will be reinstalled at the section of Golden Gate Park they are paving?

Assistant Manager/Finance Director Keaton indicated yes, that is correct.

Member Garber commented that Wagner was really low compared to other bidders but suggested next year we re-bid the paving project due to fluctuating oil prices.

Motion by Apgar, second by Garber to allow Manager Burkholder to enter into a contract with Wagner Paving, Inc. for our 2015 Annual Asphalt Resurfacing and Pavement Removal Program by extending the costs associated with our 2014 Asphalt Resurfacing and Pavement Removal Contract, with an additional unit price of \$15.00 per ton added to the \$74.00 per ton for the Type A, PG 70-22M mix to be used on Arlington Road. All yeas, motion carried.

Assistant Manager/Finance Director Keaton reported two proposals were received to install approximately 50 ADA ramps this fall. The lowest proposal was from Zimmerman Concrete Construction at a ramp unit price of \$860. This CDBG grant project will begin in early September and the ramps should all be installed by mid-November, weather permitting.

Fire Chief Fletcher reported the Fire Department is in the process of testing all three of their pumpers and found only minor repairs are needed. They have found a lot of fire hose that reached end of life after 25 years and those are being replaced. The Fire Department is also in the process of working with Assistant Manager/Finance Director Keaton to move forward with some capital improvement projects, which involves working with BWC for a grant opportunity. Fire Chief Fletcher reported the new digital radios are ready to be delivered next week and will be phased into our apparatus. Fire Chief Fletcher announced the Fire Department Association is currently selling tickets for a gun raffle.

Member Garber commented he recently read about a video used for fire training that was shot from a body cam that a firefighter actually wore in a fire.

Fire Chief Fletcher reported that our firefighters have worn helmet cams for years and he is looking at adding cameras to our fire vehicles. Fire Chief Fletcher advised he looks for and uses training nuggets in everything they do. The video that Member Garber is referring to was shot in prime conditions because most helmet cam videos have very poor visibility. Fire Chief Fletcher stated our firefighters are working on putting together a Feel the Heat Training Program at our training center. Four cargo containers will be configured for a program where live fire conditions can be experienced. Fire Chief Fletcher invited Council to experience the program once it is completed.

Member Letner inquired about the 500 feet of 5" hose?

Fire Chief Fletcher replied one of their pumpers actually laid 740 feet of hose on the interstate due to a loading error, which fortunately it did not cause an accident or damage.

Police Chief Jerome reported the Brookville Police Department handled 374 Reportable Incidents year-to-date, compared to 397 at this same time last year. Citations are up 20 from this same time last year for a total of 354 Citations year-to-date. Police Chief Jerome reported the Brookville Police Department made 143 Traffic Stops during the month of July, compared to 107 Traffic Stops during the same time period last year. Police Chief Jerome reported traffic stops are up as the Police Department is giving attention to people they feel are bringing drugs into the City. Council will continue to see traffic stops go up.

Member Garber commented that is good.

Police Chief Jerome reported he and Major Simon recently attended the Leadership In Crisis Conference at Ohio Wesleyan University which was an eye opening experience. The speakers included the Chief of Police from Virginia Tech and the Police Chief from Sandy Hook, and the Police Chief from Boston MIT. Police Chief Jerome reported the seminar was a very worthwhile conference.

Police Chief Jerome reported he also attended a Lunch and Learn at MVCTC regarding Ohio's Marijuana Amendment where the pro and con views were presented. Police Chief Jerome encouraged everyone to be informed before voting on this amendment.

Member Garber asked if there is another petition going regarding the constitutional amendment?

Police Chief Jerome stated this is the only issue on the ballot and it has just been named Issue 3. This issue will create a lot of challenges for legislators just as the no-smoking issue did.

Member Duncan stated there are two amendments, one is to legalize the monopoly and the other is to legalize marijuana.

Police Chief Jerome stated his perception was that Issue 3 was the only issue.

Member Duncan stated Council needs to begin looking at legislation and regarding where the marijuana shops can be located.

Police Chief reported they said since state law does not supersede Federal Law, we still have the right to have a drug-free work environment. A legal challenge right now is the use of medical marijuana which on a case-by-case basis costs \$169,000 to go through the legal process.

Law Director Stephan reported that proposed Ordinance No. 2015-03 establishes a Department of Public Service and a Director of Public Service as recommended by Manager Burkholder after evaluating our management structure. Law Director Stephan stated he received several inquiries from Council Members regarding this proposed Ordinance and the answers to those inquiries are addressed in Chapter 6.03 of the Charter, Section C, which provides that heads of departments be appointed by Council by a motion adopted by majority vote of the members, and serve at the pleasure of Council and may be removed by Council without cause by a motion adopted by the majority vote of the Members of Council.

Member Garber inquired who would be authorized to approve overtime for the Service Department and if the Public Service Director would have a limit on what he could authorize to be spent.

Assistant Manager/Finance Director Keaton replied currently all Department Heads are required to obtain a Purchase Order for purchases of \$1,000 or greater and every Department Head gets a monthly recap of their ongoing budget and expenditures.

Law Director Stephan stated those were good questions. The Public Service Director would have to make a decision on an overtime issue that needs to be worked in the middle of the night.

Motion by Duncan, second by Apgar to read proposed Ordinance No. 2015-03. All yeas, motion carried.

Motion by Apgar, second by Garber to accept the first reading of proposed Ordinance No. 2015-03. All yeas, motion carried.

Member Letner thanked Law Director Stephan for his message on the Fairgrounds, it was right on target.

Mayor Seagraves encouraged Council Members to attend the Cocktails and Easels Event sponsored by the Brookville Area Chamber of Commerce and the 6th Annual Breast Cancer

5K Walk on Saturday, September 26, 2015. Mayor Seagraves thanked Vice Mayor Cantrell for filling in for him at the last Council Meeting.

Motion by Letner, second by Kirklin to designate Trick-or-Treat for October 31, 2015 from 6:00 until 7:30 p.m. All yeas, motion carried.

Mayor Seagraves announced Planning Commission will meet this Thursday, August 20, 2015 at 7:30 p.m.

In Old Business, Member Garber asked if the Wastewater Treatment Plant Project is wrapping up?

Assistant Manager/Finance Director Keaton replied the project is wrapping up and the punch list items are being completed.

Member Garber asked if there is anything new on Project Albert?

Assistant Manager/Finance Director Keaton stated there is nothing new but it is on her list to follow up.

There was no New Business.

Member Garber announced he will not be at the next Council Meeting as he will be out on business.

Motion by Duncan, second by Apgar to adjourn. All yeas, motion carried.

Sonja M. Keaton, Clerk

David E. Seagraves, Mayor